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REGISTER OF ACTIONS

CASE NO. 17CV44670

Benjamin Barber vs Pat Garrett

§
§
§
§
§

Case Type: **Post Conviction Relief**

Date Filed: **10/12/2017**

Location: **Washington**

RELATED CASE INFORMATION

Related Cases

16CR46339 (Post Conviction Relief)

PARTY INFORMATION

Defendant **Garrett, Pat**

215 SW Adams
MS 32
Hillsboro, OR 97123

Attorneys

RAYNEY MEISEL

Retained

503 846-8671 x8315(W)

MATTHEW ROBERT LEHMAN

Retained

503 846-8671(W)

Petitioner **Barber, Benjamin Also Known As Barber, Benjamin Jay**

Male White
DOB: 1985
5' 10", 165 lbs

NOEL GREFENSON

Court Appointed

503 371-1700(W)

Booking #19-03313
215 SW Adams MS35
Hillsboro, OR 97123-3874
SID: OR17474177

Pro Se JON H. WEINER

Court Appointed

503 399-7004(W)

TARA J HERIVEL

Retained

503 893-5525(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 10/24/2017 **Judgment - Limited Creates Lien** (Judicial Officer: Erwin, Andrew R)
Monetary Award (Unsatisfied, 10/24/2017)
Signed Date: 10/24/2017
Expiration Date: 10/24/2027
Monetary Award:
Creditor: State of Oregon, Debtor: Benjamin Jay Barber, Unsatisfied, Award Type: Judgment Fees, Amount: \$265.00, Rate: 9.00%
Total: \$265
Comments: deferred filing fees
Created: 10/24/2017 12:08 PM
- 11/19/2018 **Amended Judgment - General Dismissal** (Judicial Officer: Butterfield, Eric E) Reason: Court Order
Comment (***VACATED***State's motion to dismiss granted)
Created: 11/19/2018 2:48 PM
- 03/19/2018 **Judgment - General Dismissal** (Judicial Officer: Butterfield, Eric E)
Comment (State's motion to dismiss granted)
Created: 03/19/2018 4:35 PM

OTHER EVENTS AND HEARINGS

- 10/12/2017 **Petition**
Created: 10/12/2017 1:34 PM
- 10/12/2017 **Application - Fee Deferral Waiver**
Created: 10/12/2017 1:34 PM
- 10/12/2017 **Motion**
for copy of trial records
Created: 10/12/2017 1:34 PM
- 10/12/2017 **Certificate**
of service to DA office
Created: 10/12/2017 1:43 PM
- 10/12/2017 **Order - Appointing Counsel** (Judicial Officer: Erwin, Andrew R)
Attorney: Oregon Post Conviction Consortium LLC.
Signed: 10/12/2017
Created: 10/19/2017 1:02 PM

10/24/2017 **Digitized Judgment Document** (Judicial Officer: Erwin, Andrew R)
deferred fees owing -
Signed Date: 10/18/2017
Created: 10/24/2017 12:11 PM

10/24/2017 **Notice - Judgment Entry**
Created: 10/24/2017 12:11 PM

10/24/2017 **Order** (Judicial Officer: Erwin, Andrew R)
setting filing deadlines
Signed: 10/24/2017
Created: 10/24/2017 4:49 PM

11/13/2017 **Motion**
to suspend local rule or appoint ptf as co-counsel
Created: 11/13/2017 5:06 PM

11/13/2017 **Subpoena - Duces Tecum**
to Marie Atwood
Created: 11/13/2017 5:06 PM

11/13/2017 **Subpoena - Duces Tecum**
to United States Copyright Office
Created: 11/13/2017 5:06 PM

11/13/2017 **Subpoena - Duces Tecum**
to Melanie Kebler
Created: 11/13/2017 5:06 PM

11/15/2017 **Order - Denial** (Judicial Officer: Erwin, Andrew R)
not to suspend local rule (sent e-notice in error on 2-12-18)
Signed: 11/15/2017
Created: 11/20/2017 5:01 PM

01/31/2018 **Motion - Attorney Withdrawal**
Created: 02/02/2018 8:12 AM

02/08/2018 **Motion - Time Extension**
Created: 02/09/2018 8:23 AM

02/13/2018 **Motion - Dismissal**
Created: 02/14/2018 9:48 AM

02/13/2018 **Memorandum - Support Motion**
For jgmt of dismissal
Created: 02/14/2018 9:48 AM

02/22/2018 **Order** (Judicial Officer: Erwin, Andrew R)
ext time to file formal petition thru 4-10-18
Signed: 02/20/2018
Created: 02/22/2018 4:19 PM

03/07/2018 **Notice**
Church v Gladden
Created: 03/07/2018 3:05 PM

03/19/2018 **Hearing** (1:30 PM) (Judicial Officer Butterfield, Eric E)
Motion to Withdraw and State's Motion to Dismiss
Result: Held
Created: 02/14/2018 12:41 PM

03/19/2018 **Digitized Judgment Document** (Judicial Officer: Butterfield, Eric E)
*****VACATED****dismiss w/state's motion*
Signed Date: 03/19/2018
Created: 03/19/2018 4:48 PM

03/19/2018 **Notice - Judgment Entry**
Created: 03/19/2018 4:48 PM

03/19/2018 **Closed**
Created: 03/19/2018 4:48 PM

04/11/2018 **Notice - Appeal**
A167498 (3/19/18 Judgment)
Created: 04/11/2018 9:23 AM

04/12/2018 **Notice**
Created: 04/12/2018 9:44 AM

04/12/2018 **Motion**
to arrest judgment or correct the record
Created: 04/12/2018 9:44 AM

04/12/2018 **Memorandum - Support Motion**
to arrest judgment
Created: 04/12/2018 9:44 AM

04/17/2018 **Order - Appointing Counsel** (Judicial Officer: Hadlock, Erika L)
and Authorization for Transcript at State Expense for Appeal
Signed: 04/17/2018
Created: 04/17/2018 11:32 AM

04/17/2018 **Notice**
Transcript Notification for Appeal A167498
Created: 04/17/2018 11:32 AM

04/25/2018 **Certificate**
of Preparation and Service of Transcript(s) for Electronic Filing at Court of Appeals
Created: 04/25/2018 9:47 AM

05/21/2018 **Certificate**
of Electronic Filing of Transcript(s) at Court of Appeals by: Sue Beal
Created: 05/21/2018 9:25 AM

05/21/2018 **Notice**
Electronic Copy of Court File Uploaded to COA; No Exhibits for this Case A167498
Created: 05/21/2018 1:40 PM

08/13/2018 **Motion - Relief from Judgment**
Created: 08/14/2018 9:52 AM

10/01/2018 **Notice**
Regarding Appeal Abeyance
Created: 10/02/2018 9:45 AM

10/12/2018 Notice
to court
Created: 10/12/2018 3:41 PM

11/09/2018 Order - Set Aside Judgment (Post-Disposition) (Judicial Officer: Butterfield, Eric E)
& remove atty Weiner
Signed: 11/09/2018
Created: 11/19/2018 2:36 PM

11/19/2018 Motion
remove to Federal Court
Created: 11/19/2018 2:53 PM.

12/05/2018 Order - Denial (Judicial Officer: Erwin, Andrew R)
mot to remove to Federal Court
Signed: 12/05/2018
Created: 12/13/2018 11:43 AM

12/19/2018 Return - Mail
Created: 12/19/2018 10:37 AM

12/27/2018 Notice - Representation
Created: 12/28/2018 8:11 AM

01/30/2019 Order (Judicial Officer: Nass, James W)
A167498 - COA dismissed appeal as moot
Signed: 12/24/2018
Created: 01/30/2019 3:28 PM

02/15/2019 Filing Copy - Dismiss on Appeal (Post-Disposition)
A167498 - appeal is moot
Created: 02/15/2019 9:38 AM

02/19/2019 Motion
to set scheduling deadlines
Created: 02/20/2019 1:31 PM

02/19/2019 Declaration
Created: 02/20/2019 1:31 PM

02/26/2019 Order (Judicial Officer: Butterfield, Eric E)
scheduling deadlines
Signed: 02/22/2019
Created: 02/26/2019 9:47 AM

04/18/2019 Motion - Time Extension
Created: 04/18/2019 11:56 AM

04/18/2019 Declaration
sup mot ext time
Created: 04/18/2019 11:56 AM

04/24/2019 Order (Judicial Officer: Butterfield, Eric E)
ext time to file amended petition 6-18-19
Signed: 04/24/2019
Created: 04/26/2019 1:05 PM

05/10/2019 Notice
of intent to proceed on original petition
Created: 05/13/2019 11:37 AM

05/23/2019 Motion - Attorney Withdrawal
Created: 05/24/2019 9:14 AM

05/23/2019 Declaration
sup mot w/draw atty
Created: 05/24/2019 9:14 AM

05/23/2019 Order (Judicial Officer: Butterfield, Eric E)
Signed: 05/24/2019
Created: 05/31/2019 9:05 AM

05/24/2019 Order - Withdrawal of Attorney (Judicial Officer: Butterfield, Eric E)
Signed: 05/24/2019
Created: 05/30/2019 1:28 PM

06/07/2019 Motion
to instruct counsel part I, II, III
Created: 06/12/2019 4:12 PM

06/12/2019 Petition - Amended
Created: 06/12/2019 4:56 PM

06/12/2019 Motion
recuse Judge Butterfield
Created: 06/18/2019 4:14 PM

06/12/2019 Motion - Strike
notice to proceed on original petition; leave to file amend petition
Created: 06/18/2019 4:14 PM

06/12/2019 Motion - Time Extension
Created: 06/18/2019 4:14 PM

06/12/2019 Motion
instruct counsel part II and part III
Created: 06/18/2019 4:14 PM

06/20/2019 Motion - Appoint Counsel
Created: 06/20/2019 1:10 PM

06/25/2019 Order - Denial (Judicial Officer: Butterfield, Eric E)
MOTION FOR APPOINTMENT OF COUNSEL
Signed: 06/25/2019
Created: 06/26/2019 3:58 PM

07/12/2019 Motion
to compel
Created: 07/12/2019 11:29 AM

08/01/2019 Certificate
of service of amended petition
Created: 08/01/2019 9:01 AM

08/12/2019 Motion - Compel Discovery
Created: 08/12/2019 4:14 PM

08/12/2019 Application - Fee Deferral Waiver — *Confidential - Not for public*
Created: 08/12/2019 4:15 PM

08/12/2019 Order - Fee Waiver (Judicial Officer: Authority, Administrative)
\$105 MRJ1
Signed: 08/12/2019
Created: 08/12/2019 4:15 PM

08/12/2019 Motion - Summary Judgment
Created: 08/12/2019 4:15 PM

08/13/2019 Motion - Dismissal
Created: 08/13/2019 9:07 AM

08/16/2019 Hearing - Status Check (9:00 AM) (Judicial Officer Butterfield, Eric E)
08/16/2019 Reset by Court to 08/16/2019
Result: Held
Created: 08/01/2019 2:06 PM

08/16/2019 Order (Judicial Officer: Butterfield, Eric E)
cont to 9-20-19
Signed: 08/16/2019
Created: 08/16/2019 9:39 AM

08/19/2019 Order - Appointing Counsel (Judicial Officer: Butterfield, Eric E)
Attorney: Noel Grefenson
Signed: 08/19/2019
Created: 08/20/2019 8:12 AM

08/20/2019 Motion
amend judgment
Created: 08/20/2019 9:28 AM

08/20/2019 Notice
excerpt of record; in support of mot to amend judgment
Created: 08/20/2019 9:28 AM

08/20/2019 Subpoena - Duces Tecum
Created: 08/20/2019 9:28 AM

08/20/2019 Notice - Representation
Created: 08/20/2019 1:19 PM

08/22/2019 Motion - Appoint Counsel
"stand by counsel"
Created: 08/22/2019 10:07 AM

08/22/2019 Motion
compel respondent to make more definite & certain
Created: 08/22/2019 10:07 AM

08/22/2019 Memorandum - Support Motion
for sum jgm
Created: 08/22/2019 10:07 AM

08/22/2019 Motion
compel interogatories re: service of documents
Created: 08/22/2019 10:07 AM

08/22/2019 Motion
compel clerk of court to provide documents to petitioner
Created: 08/22/2019 10:07 AM

08/22/2019 Certificate
of service of multiple documents
Created: 08/22/2019 10:07 AM

08/30/2019 Affidavit
attachments to petition; affidavits in support of mot for sum jgm
Created: 08/30/2019 3:36 PM

09/05/2019 Motion
to instruct or replace counsel
Created: 09/05/2019 12:01 PM

09/05/2019 Motion
set hearing for sum jgm
Created: 09/05/2019 12:01 PM

09/05/2019 Motion - Default Order
Created: 09/05/2019 12:01 PM

09/05/2019 Response
to respondent mot dismiss
Created: 09/05/2019 12:01 PM

09/18/2019 Memorandum - At Law
sup mot sum jgm
Created: 09/18/2019 2:32 PM

09/19/2019 Response
to mot dismiss
Created: 09/20/2019 8:56 AM

09/20/2019 Hearing - Status Check (1:00 PM) (Judicial Officer Butterfield, Eric E)
Def's Mtn to Dismiss
Result: Held
Created: 08/16/2019 9:39 AM

09/20/2019 Order (Judicial Officer: Butterfield, Eric E)
from status check hearing
Signed: 09/20/2019
Created: 09/25/2019 1:24 PM

09/23/2019 Order (Judicial Officer: Butterfield, Eric E) — *Envelope #2 only 180 pages*
DENIED mot to file under seal
Signed: 09/20/2019
Created: 09/23/2019 12:57 PM

02/21/2020 | Hearing - Status Check (8:59 AM) (Judicial Officer Butterfield, Eric E)
status of pleadings/motions
Created: 09/25/2019 1:36 PM

FINANCIAL INFORMATION

	Petitioner Barber, Benjamin	
	Total Financial Assessment	370.00
	Total Payments and Credits	105.00
	Balance Due as of 10/07/2019	265.00
10/12/2017	Transaction Assessment	265.00
08/13/2019	Transaction Assessment	105.00
08/13/2019	Waiver	(105.00)